

## Licensing Services

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Our ref: L12/CSM/SK  
Your ref:

11 August 2010

Dear Sir/Madam

### **SEX ESTABLISHMENT POLICY – CONSULTATION**

Section 27 of the Policing and Crime Act 2009 amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to allow the Licensing Authority to licence 'sexual entertainment venues'. This brings the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas.

The Council has decided to adopt Section 27 to allow it to licence such venues and to adopt a general policy on the licensing of sex establishments.

Weymouth and Portland Borough Council is undertaking an 8 week public consultation on the draft policy for sex establishments, between 11<sup>th</sup> August 2010 and 6<sup>th</sup> October 2010. The policy will come into effect in Spring 2011. The draft policy is available to view and/or download on the Council's website: [www.weymouth.gov.uk](http://www.weymouth.gov.uk)

Your contribution is important to us in deciding the final content of our policy and all comments will be considered, although we will not be able to respond individually to each comment.

The Council does not take a moral stand on sex establishments in adopting this policy and recognises that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is the role of the Licensing Authority to administer the licensing regime in accordance with the law. Moral objections will therefore not be taken into consideration.

Any comments on the content of this policy should be made in writing (by letter or e-mail) by 5 pm. on 6<sup>th</sup> October 2010 to:

The Licensing Manager  
Weymouth and Portland Borough Council  
Council Offices  
North Quay  
Weymouth  
Dorset  
DT4 8TA

Fax: 01305 766684

Or by e-mail: [licensing@weymouth.gov.uk](mailto:licensing@weymouth.gov.uk)

Please note that if you make comments on the policy your details may appear in our published responses document. If you do not wish your details to be published please inform us at the time of submitting your comments.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Sue Moore'. The signature is stylized with a large initial 'S' and 'M'.

Sue Moore  
Licensing Manager

## **Weymouth and Portland Borough Council Sex Establishment Policy**

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### **1 Introduction**

- 1.1 Weymouth and Portland Borough Council has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the amendments made to Schedule 3 by S.27 of the Policing and Crime Act 2009 with regard to sex establishments. The Council will apply this policy to sex establishments within its area to ensure consistency of decision making and enforcement. Each application for grant, variation, transfer or renewal will however be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.
- 1.2 There are 3 types of sex establishment licensable under the above Act, sex shops, sex cinemas and with effect from April 2010 a new type referred to as sexual entertainment venues is introduced by the Policing and Crime Act 2009 (see section 2 for legal definitions).

- 1.3 No sex establishment, as defined by Schedule 3, can operate unless it has consent from the Council or the requirement for a licence has been waived by the Council.
- 1.4 The Council will have regard to a number of factors and conditions when determining any premises application or variation, etc for sexual entertainment. These factors and conditions are outlined in this document.

## **2. Scope of Legislation & Definitions**

- 2.1 A sex establishment according to the Local Government (Miscellaneous Provisions) Act 1982 as amended is a sex shop, sex cinema or sexual entertainment venue.
- 2.2 A sex shop is defined as 'any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in sexual activity.

There is no definition of significant degree.

- 2.3 A sex cinema is defined as any premises (except a dwelling house to which the public are not admitted), vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures concerned primarily with the portrayal of, deal with, or relate to sexual activity.
- 2.4 A sexual entertainment venue is defined as any premises (except a dwelling house to which the public are not admitted), vehicle, vessel or stall at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

Relevant entertainment is defined as any live performance or live display of nudity which is of such nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means). An audience can consist of one person.

The following forms of entertainment would generally be understood to fall within the definition; Lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shops.

## **3. Application Process**

- 3.1 The process for an application under the provisions of the LGMPA 1982 is as follows:

- The applicant must be over the age of 18 and not disqualified from holding such a licence
- The applicant must submit to the Council an application containing information as may be reasonably required by the authority. A copy of the application form can be requested from the Council
- A copy of the application must be served on Dorset Police within 7 days after the date of the application and sent to:  
The Licensing Officer  
Dorset Police  
Western Division HQ  
Radipole Lane  
Weymouth  
DT4 9WN
- The application must be advertised within 7 days in a local newspaper
- The application must be advertised by way of a public notice on the premises for 21 days beginning with the date of the application, on or near the premises in a place where it can be conveniently read by members of the public.
- The applicant must submit to the Council a fee (currently set at £3500)

3.2 The Council will therefore require a completed application form containing the following information:

- The name and home address of the applicant
- Details of any business partners or other staff involved in the business
- If a company, the registered name and address of the company, the names of directors and shareholders of the company
- If the shareholder, or a shareholder of the company is another company then details may be required as to the membership of that company
- If the premises are a leasehold, information about who holds the lease and if it is a head lease or sub-lease

3.3 The Council will also require a criminal record check (standard disclosure) issued within the last month. This would apply to the applicant and all of the directors if the applicant is a company.

3.4 Each application will also require a statement showing how the applicant will operate the premises, together with a location plan of the premises in relation to buildings within 100 metres and an internal detailed layout plan including the location of all exits and entrances (Scale 1:50)

As well as exits/entrances internal plans should contain:

- Sex shops – the location of the sales counter and the location of any rooms to which the public do not have access
- Sex cinemas – the location of the screen/s and the seating layout for customers
- Sexual entertainment venues – the location and height of any stages/raised areas or areas where performances take place and the seating layout for customers

The statement, plan, views of the Police and Licensing Manager, and the general acceptability of the premises for the type of “entertainment” applied for will be important considerations for the Committee when determining the application.

#### **4. Waiver Process**

- 4.1 Upon written application, Weymouth and Portland Borough Council may waive the requirement to a licence in any case where it considers a licence would be unreasonable or inappropriate.
- 4.2 Each application for waiver will be considered on its own merits taking into account the type of activity, frequency, circumstances and controls.

#### **5 Consideration of the Impact of a sex establishment**

- 5.1 In considering applications for the grant of a sex establishment licence or variation the Council will consider the potential adverse impacts particularly to local residents.
- 5.2 Any person is entitled to object to an application for grant / renewal / variation / transfer of a sex establishment. They must do so, in writing, stating in general terms the grounds of the objection, no later than 28 days after the date of the application. All objections will be openly copied to Members of the Licensing Committee for their use when considering any application.

The Council are required to have regard to relevant objections and police observations.

#### **6 Consultation process**

- 6.1 Before a sex establishment licence is granted varied or renewed the Council will consult with any person it deems necessary to enable it to make an informed decision. In particular, the Council may choose to consult the following:
  - Dorset Police

- Dorset Fire and Rescue Service
- Ward Councillors
- Other Council departments such as Environmental Health and Planning
- Local residents

6.2 The Council may take into consideration the following:

- i) Type of activity
- ii) Duration of the activity
- iii) Layout and condition of the premises
- iv) Use and character of the surrounding premises in the vicinity i.e. residential/commercial
- v) Potential impacts on crime and disorder
- vi) Cumulative impact of premises within the vicinity

This list is not exhaustive.

## **7 Determining and granting an application**

7.1 In determining any contested applications for sex establishments, the Council's Licensing Sub Committee shall have regard to the relevant matters in the legislation and this policy. Each case will be assessed on its own merits and individual circumstances may be taken into consideration.

7.2 Contested applications will be heard by a Sub Committee of the Council except in the following cases:

- The Licensing Manager has decided to grant a licence subject to attachment of suitable conditions (via mediation wherever possible)
- The Licensing Manager has deemed all objections as frivolous and/or vexatious and is therefore satisfied that the application should be granted

7.3 Once arrangements have been made to hear an application, the applicant will be informed in writing of the date, time and place of the hearing. They will be expected to attend the hearing and can be accompanied by a solicitor, or supported by a friend or colleague.

## **8 Considerations Based on Location**

8.1 There will be a presumption against granting consent for any sex establishment licence when the proposed premises are in the vicinity of:

- schools, colleges, nurseries, play areas, children's centres or any other premises predominantly used for and by children
- Any access route to and from any of the above premises
- Any place of religious worship

- Prime visitor locations such as Weymouth Esplanade/Seafront
- Dense retail areas
- Museums, libraries, Council buildings, or other community and public buildings.
- Any community premises such as swimming pools, leisure centres, youth centres, clubs, shelters, public parks and recreational areas
- Historic buildings and Tourist attractions
- Residential Homes
- An area proposed for regeneration
- Any premises of a similar nature to the above

8.2 It is not considered appropriate to define a precise distance from any of the above premises as sufficiently far enough away to make a sex establishment suitable and each case will be considered on its own merits and in light of any consultation undertaken.

## **9 Grounds for Refusal**

9.1 The Act provides Local Authorities with two grounds for refusal, mandatory grounds and discretionary grounds. Where an application falls within a mandatory ground for refusal the Council shall have no discretion but to reject the application.

9.2 The Mandatory grounds for refusal within the Act are as follows:

- The applicant is a person under the age of 18;
- The applicant is a person who is for the time being disqualified following the revocation of a licence;
- The applicant is a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence of the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

9.3 The discretionary grounds for refusal within the Act are as follows:

- The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
- That the applicant is merely a front for a person who would otherwise be refused a licence
- That the number of sex establishments in the relevant locality exceed the number which the authority consider appropriate for the area.
- That the licence would be inappropriate having regard to the relevant locality, or to the use to which the premises in the vicinity are put, or to the layout, character and condition of the premises in respect of which the application is made.

9.4 The Council will therefore consider each application on its merits in relation to the above grounds.

## **10 Suitability of applicant**

10.1 The Council wish to ensure that only applicants who are suitable will be granted licences and only in relation to suitable premises. The Council will therefore consider the following grounds:

- Any convictions or cautions of the applicant
- If a Company, any convictions or cautions of Directors of the company to ensure that the company is not being used as a front for persons who would otherwise not be licensed.
- The involvement of any other person in the operation of the premises, or prior business relationships with other people who would otherwise not be licensed by the Council.
- The experience of the applicant and their knowledge of running a sex establishment.
- Any previous licence held by the applicant, whether in this Councils area or another.
- Any report or information submitted to the council by the Police, other consultees and objectors.

10.2 The suitability of each applicant will be considered on its own merits but in cases where the applicant, or one of its members, has an unspent conviction, the Council will normally refuse the application unless they are satisfied by the applicant that there are exceptional circumstances to justify the granting of the licence.

10.3 Where an objection has been raised by the Police or another consultee regarding the suitability of the applicant the Council will in most cases defer to the experience and knowledge of the consultee and refuse the application unless they are satisfied by the applicant that there are exceptional circumstances to justify the granting of the licence.

## **11 Duration of Licences**

11.1 Licences shall be issued for a maximum period of one year but can be issued for a shorter term if deemed appropriate.

## **12 Renewal of Licences**

- 12.1 On application to renew a licence for the same proposed hours and licensing activities and conditions as previously granted, the council shall give due weight to the fact the licence was granted in the previous year and any years before that.

## **13 Legal implications**

When considering its functions, a local authority has to bear in mind the Human Rights Act and the Crime and Disorder Act 1998. It is considered that the policy meets the requirements of both these Acts.

## **14 Appeals**

The following persons have the right of appeal within 21 days from the date of notification of the decision:

- Applicants for grant, renewal, transfer or variation whose application is refused
- Holder who is aggrieved by conditions
- Holder whose licence is revoked

N.B. There is no right of appeal against refusals on grounds that:

- There are sufficient sex establishments in the locality
- Grant has been deemed inappropriate having regard to the character of the locality, use to which the premises are put, layout, character and condition of premises.

## **15 The EU Service Directive**

Tacit consent does not apply to an application for a new sex establishment licence as local residents and the Police have a legitimate interest in the outcome of sex establishment applications. If an application is not processed within a defined period of time it will not be deemed granted.

**APPENDIX A**  
**MODEL POOL OF CONDITIONS**

**RE: SEXUAL ENTERTAINMENT VENUES**

**DESIGNATED AREAS**

- 1) The authorised entertainment must only take place in designated areas approved by the Council.

**NO ADMITTANCE UNDER THE AGE OF 18 YEARS**

- 2) No person under the age of 18 must be on the premises when the entertainment authorised by the licence is taking place.

A clear notice must be displayed at each entrance to the premises, in a prominent position so that it can easily be read by people entering the premises, stating:

“No persons under 18 years will be admitted”

**PERFORMERS UNDER 18 YEARS**

- 3)
  - a) No performers or other employees on the premises during the authorised entertainment shall be under 18 years of age.
  - b) The proprietor/director of the company is to ensure that, prior to engagement, all performers for approved adult entertainment shall provide documents of proof that they are over 18 years of age. Copies of such documents shall be retained on the performers’ file held at the premises.

**NO PHYSICAL CONTACT**

- 4) There must be no physical contact between performers.

There must be no physical contact between performers and customers before, during or after the performance (other than the transfer of money or tokens to the hands of the dancer at the beginning or conclusion of the performance). Notices to this effect shall be clearly displayed at each table and at each entrance to the premises.

**PERFORMANCE**

- 5)
  - a) No performer shall be allowed to work if, in the judgement of the management, they appear to be intoxicated or under the influence of illegal substances.

- b) Performers will wear a G-string or similar piece of clothing on the appropriate part of the body. This shall be neither transparent nor removed.
- c) Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the audience
- d) Any performance will be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity or stimulation
- e) No performance shall be visible to any person outside the premises (eg. through windows or open doors)
- f) Sex toys must not be used and penetration of the genital area by any means must not take place

Lap dancers must not:

- Show their genitals or anus
- Sit on customer's laps (dry ride)
- Climb onto the furniture provided for patrons

Podium dancers must not:

- Entice other dancers onto the podium
- Interfere with their undergarments in such a way as to show their genitals or anus

### **CCTV**

- 6) CCTV must be installed, maintained and be in working order at all times. It must cover all areas where dancing will take place and at the entrance of the premises. All cameras shall continually record whilst the premises are open to the public.

All CCTV tapes or other medium used for CCTV recording, must be kept for 28/31 days with accurate time and date markings, and must not leave the premises unless requested by the Police or the licensing authority; or destroyed at the premises with the records kept of such destruction. Destruction records must include the name and position within the organisation of the person(s) who destroyed the tape or other medium, the reason for the destruction and the identity of the tape or other medium that was destroyed.

No copying of the CCTV tapes or other mediums is permitted.

The Data Protection Act 1998 also covers the use of CCTV tapes and other CCTV mediums.

## **PATRONS**

- 7) The licence holder must take all reasonable steps to ensure patrons remain seated and fully clothed whilst the authorised entertainment is taking place. No voluntary audience participation will be permitted.

Patrons will not be permitted to arrange contacts or liaisons with the dancers whilst on the licensed premises or exchange telephone numbers or other means of making future contact with each other.

Patrons shall not be permitted to throw money at the performers or take photographs of them.

## **DOOR SUPERVISORS**

- 8) There shall be at least 1 door supervisor per 100 persons on the premises when the authorised entertainment is taking place to ensure good order and the safety of performers and customers. Door supervisors must be Security Industry Authority (SIA) registered.

## **NO NUDDITY VISIBLE OUTSIDE**

- 9) Entertainment including dancing, which involves nudity or sexual performances of any kind must not be visible from the outside of the premises.

## **ADVERTISING**

- 10) There must be no display visible on the outside of the premises either in writing, symbols, photographs or other images, which indicate that entertainment involving nudity or sexual performances takes place on the premises. Performances shall not be subject to any advertising involving the distribution of leaflets; promotion by canvassers or touting.

## **HOUSE RULES**

- 11) The licence holder shall provide a copy of the House Rules to the licensing authority for approval. A clear copy of these conditions and the house rules shall be given to all performers and displayed at all times in or near the performers' changing rooms. A clear copy of the house rules shall be displayed at the reception and on each table and each bar area.

## **CHANGING ROOMS/FACILITIES**

- 12) a) Secure private changing facilities must be provided for the performers (to include private toilet and shower facilities, the numbers and design of facilities to be approved prior to installation).
- b) No persons other than performers and authorised staff shall be permitted in the changing room/s.

## **APPENDIX B**

### **MODEL POOL OF CONDITIONS RE: SEX SHOPS**

#### **GENERAL**

1. The grant of a licence for a sex shop shall not be deemed to convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

#### **TIMES OF OPERATION**

2. Except with the previous consent of the Council, a sex shop shall not be open to the public before 08:00 and shall not be kept open after 20:00 on any Monday Tuesday, Wednesday, Thursday, Friday and Saturday. It may not open before 10:00 or close later than 16:00 on any permitted Sunday.
3. Except with the previous consent of the Council, a sex shop shall not be open on any Sunday in November, December, January, February or March, or on Good Friday, Easter Sunday, and Christmas Day.

#### **CONDUCT AND MANAGEMENT OF SEX ESTABLISHMENTS**

4. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the licensing authority in writing within 14 days of such change and such written details as the licensing authority may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request from the licensing authority.
5. The licensee or some responsible person nominated by the Licensee in writing for the purpose of managing the sex shop in the Licensee's absence and of whom details have been supplied and approved in writing by the licensing authority shall be in charge of and upon the premises during the whole time they are open to the public.
6. The name of the person responsible for the management of a sex shop, whether the Licensee or a manager approved by the licensing authority shall be prominently displayed within the sex shop throughout the period during which that person is responsible for its conduct.
7. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the sex shop in the Licensee's absence and the names and addresses of those

employed in the sex shop. The Register is to be completed each day within 30 minutes of the sex shop opening for business and is to be available for inspection by the Police and by authorised officers of the licensing authority.

8. The licensee shall provide the Council with a list of all staff employed at the premises and shall advise the Council and the Dorset Police in writing of all staff changes within fourteen days of such changes. The licensee shall ensure that all staff are subject to a Criminal Record Check (basic disclosure) at least annually and copies of the checks shall be made available to the Council.
9. The Licensee shall retain control over all portions of the premises and not let, licence or part with possession of any part of the premises.
10. No person under the age of 18 shall be admitted to the premises or employed in the business of a sex shop, and a notice to this effect shall be displayed in the lobby between the double doors leading into the shop so that they are visible before entering the shop but not visible from the outside.
11. The Licensee shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the licensing authority.
12. Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex shop by means of personal solicitation outside or in the vicinity of the premises. No part of the premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
13. The Licensee shall maintain good order in the premises.
14. The Licensee shall ensure that during the hours the sex shop is open for business every employee wears a badge of a type to be approved by the Council indicating their name and that they are an employee of the sex shop.
15. A copy of the licence and of these conditions are to be exhibited in accordance with paragraph 14 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. They shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the copy of these conditions shall be retained in the shop in a clean and legible condition.

## **CHANGE OF LOCATION AND ALTERATIONS TO PREMISES**

16. In the case of licensed premises which are a vessel or stall, the Licensee shall not move the licensed vessel or stall from the location specified in the licence unless the licensing authority are given not less than 28 days notice in writing of such intended removal along with such fee as may be deemed reasonable. This requirement shall not apply to a vessel or stall that habitually operates from a fixed location but is regularly moved (whether under its own propulsion or otherwise) from another place as is specified in the licence.
17. In the case of a business conducted from fixed premises, no alteration of any kind shall be made to the interior or the exterior of the premises including any change in the permitted signs displayed thereat or in the manner in which the windows and doors are obstructed unless the Licensee shall first obtain written consent from the licensing authority.

## **USE**

18. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
19. No change of use of any portion of the premises from that approved by the licensing authority shall be made until the consent of the licensing authority has been obtained.
20. No change from a sex shop to a sex cinema shall be effected without the consent of the licensing authority.

## **GOODS AVAILABLE IN SEX SHOPS**

21. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.
22. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex shop.
23. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the Licensee by the licensing authority, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

24. The Licensee shall, without charge, display and make available in the sex shop such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified and in particular any such material relating to AIDS as may be supplied by the licensing authority. Such literature is to be displayed in a prominent position.

### **EXTERNAL APPEARANCE**

25. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of Weymouth and Portland Borough Council, except for those signs or notices that are required to be displayed by these licence conditions.
26. The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior.
27. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
28. No window shall contain any sign, advertising material, goods or display without the written consent of the Borough Council.

### **STATE, CONDITION AND LAYOUT OF THE PREMISES**

29. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a sex shop.
30. The premises shall be maintained in good repair and condition.
31. All parts of the premises shall be kept in a clean and hygienic condition to the satisfaction of the licensing authority.
32. Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
33. The external doors to the sex shop shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.
34. The number, size and position of all doors or openings provided for the purposes of ingress and egress of the public shall be approved by the Council. Any entrance to and exit from the shop shall be provided with a

lobby, which has two sets of doors, one opening to the street and one into the shop. The lobby shall be so arranged as to prevent passers by from looking into the shop whilst persons are entering or leaving the shop.

35. The Licensee shall make provision in the means of access both to and within the sex shop for the needs of members of the public visiting the premises who are disabled.
36. All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons where exclusive demonstrations, displays, exhibits or similar activities may take place, unless authorisation/consent is first granted by the Council.
37. The licensee shall take all reasonable precautions for the safety of the public and employees.
38. The Licensee shall comply with any fire prevention and safety measures that may be required by the Council and/or Dorset Fire and Rescue Service and shall maintain and keep available for use all specified fire fighting equipment and extinguishers.
39. No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with prior approval of the licensing authority.
40. A CCTV system shall be installed and fully operational before a licence is issued with a camera directed at each entry point, with the front door camera positioned to get a clear image of people as they enter the shop. Additional cameras must be installed looking at all internal areas for the protection of the staff. The CCTV system is to be maintained in good working order and to record continuously while the shop is open with the recordings date coded. The tapes or disks from the recorder are to be kept on site in a secure place for 6 weeks and available for examination by authorised officers of the authority and the Dorset Police. A sign must be displayed at the shop entrance indicating that there is a CCTV system in operation.

## **APPENDIX C**

### **MODEL POOL OF CONDITIONS RE: SEX CINEMAS**

#### **DISPLAY OF TARIFF OF CHARGES**

- 1) There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

#### **SEATING**

- 2)
  - a) The premises shall not be used for a closely-seated audience, except in accordance with plans approved by the Council
  - b) No article shall be attached to the back of any seat which would either reduce the clear width of seatways or cause a tripping hazard or obstruction.
  - c) A copy of the approved seating plan(s) shall be kept available at the premises and shall be shown to Council officers on request.

#### **STANDING AND SITTING IN GANGWAYS**

- 3)
  - a) In no circumstances shall persons be permitted to:-
    - (i) Sit in any gangway ; or
    - (ii) Stand in any gangway which intersects the seating; or
    - (iii) Stand or sit in front of any exits.
  - b) Waiting and standing shall not be permitted except in areas approved by the Council; and subject to the conditions specified in such approval.

#### **WHEELCHAIRS**

- 4) Wheelchairs and similar equipment shall not be allowed within the premises except in accordance with the terms of any consent issued by the Council.

**PLEASE NOTE:** In addition to the duties imposed by the Disability Discrimination Act 1995, it is the Council's policy that wherever possible

there should be proper access for disabled people including wheelchair users. Consequently the Council will grant consent whenever it can do so without risk to persons using the premises.

### **SPECIAL RISKS AND SPECIAL EFFECTS**

- 5) Any activity which involves special risks, (e.g. use of firearms), and special effects, (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics), or the bringing onto the premises of any explosive or flammable substance may only be permitted or used with the Council's prior consent in writing. At least seven days' notice shall be given for an application for consent under this rule. Full details of what is proposed shall be given including the date and time of any proposed rehearsal.

### **MINIMUM LIGHTING**

- 6) The level of normal lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.

**PLEASE NOTE:** At premises licensed by the Council for film exhibitions, the level of illumination maintained in the auditorium during the showing of pictures will be regarded as satisfactory if it complies with the standards specified in the current edition of British Standard Code of Practice C.P.1007. Maintained Lighting for cinemas published by the British Standards Institution

### **FILM CATEGORIES**

- 7) The categories U, PG, 12, 15 and 18 have the following effect:-

|                 |   |
|-----------------|---|
| U               | Universal - suitable for all  |
| PG              | Parental Guidance. Some scenes may be unsuitable for young children                                     |
| 12              | Passed only for persons of 12 years and over  |
| 15              | Passed only for persons of 15 years and over.   |
| 18              | Passed only for persons of 18 years and over.   |
| Restricted (18) | Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club. |

## **EXHIBITION OF FILMS**

- 8) No film shall be exhibited at the premises unless:
- (a) it is a current news-reel; or
  - (b) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or

## **RESTRICTED (18) FILMS – COUNCIL’S CONSENT**

- 9) Films in the RESTRICTED (18) category may be shown at the premises only with the Council’s prior written consent and in accordance with the terms of any such consent.

## **UNCLASSIFIED FILMS**

- 10) Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified as specified in rule 39 or 40 above. Such a film may only be exhibited if the Council’s prior written consent has been obtained and in accordance with the terms of any such consent.

## **AGE RESTRICTION NOTICE**

- 11) When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme. The licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms: PERSONS UNDER THE AGE OF (insert 12, 15 or 18 as appropriate) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

**PLEASE NOTE:** Where films of different categories are shown the notice shall refer to the oldest age restriction.

## **CATEGORY NOTICES**

- 12) Immediately before each exhibition at the premises of a film (other than a current news-reel) there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium. For a film passed by the British Board of Film Classification - a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board.

## **OBJECTION TO EXHIBITION OF A FILM**

- 13) No film shall be exhibited at the premises:-
- (1) which is likely:-
    - (a) to encourage or to incite to crime; or
    - (b) to lead to disorder; or
    - (c) to stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or
    - (d) to promote sexual humiliation or degradation of or violence towards women.
  - (2) the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or
  - (3) which contains a grossly indecent performance thereby outraging the standards of public decency.

If the licensee is notified by the Council in writing that it objects to the exhibition of a film on any ground, such film shall not be exhibited.

## **POSTERS, ADVERTISEMENTS, ETC.**

- 14) Every poster, advertisement, photograph, sketch, synopsis or programme of, or relating to a film (other than a current news-reel) exhibited or to be exhibited at the premises, which is displayed, sold or supplied anywhere by or on behalf of the licensee shall indicate clearly the category in which the film has been passed for exhibition

## **FLAMMABLE FILMS**

- 15) No flammable films may be upon the premises without the prior consent of the Council in writing.

## **RULE RELATING TO TELEVISION EXHIBITIONS – ENTERTAINMENTS UNSUITABLE FOR SOME AUDIENCES**

- 16) When any television entertainment or part of such entertainment is described by the broadcasting authority in advance of the day on which it is to be broadcast as unsuitable for viewing by any particular group of persons, a notice to that effect, indicating the group of persons concerned, shall be displayed in a conspicuous position to the satisfaction of the Council at each entrance to the premises.

**RESTRICTED 18 CATEGORY – ADDITIONAL CONDITIONS FOR ‘CLUB’ CINEMAS (SHOWING FILMS IN THE RESTRICTED 18 CLASSIFICATION)**

17) (a) No club showing films in the ‘restricted 18’ category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council’s written consent has first been obtained.

(b) When the programme includes a film in ‘restricted 18’ category the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:-

**CINEMA CLUB - MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME**

(In case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the ‘restricted 18’ category are being exhibited).

(c) All registers of members and all visitors’ books of their guests shall be available for immediate inspection by the Council’s Officers during any performance, or at any other reasonable time.

(d) Tickets shall in no circumstances be sold to persons other than members

(e) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.

(f) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.

(g) Membership rules for these club cinemas shall include the matters set out in Appendix A, be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

**RULES WHICH APPLY TO SEX CINEMAS WHERE THERE ARE SPECIAL CIRCUMSTANCES**

\* Larger premises will usually be taken to mean premises having a maximum accommodation limit in excess of 300 persons

## **ATTENDANTS – NUMBERS IN CINEMAS**

18) (a) In the case of cinemas which are not equipped with a staff alerting system the number of attendants on duty in any zone where customers are present shall not be less than one for every 250 persons (or part thereof) present in that zone provided that an attendant shall be present in any auditorium where the number of customers present in that auditorium exceeds 150 persons

(b) In the case of a cinema equipped with staff alerting and communication systems the number of attendants shall be the following scale:

| <b>PERSONS PRESENT</b> | <b>ATTENDANTS ON DUTY</b> | <b>STAFF ON CALL IN AN EMERGENCY</b> |
|------------------------|---------------------------|--------------------------------------|
| Up to 250              | 1                         | 0                                    |
| 251 to 500             | 1                         | 1                                    |
| 501 to 750             | 1                         | 2                                    |
| 751 to 1000            | 2                         | 3                                    |
| 1001 to 1500           | 3                         | 3                                    |
| 1501 to 2000           | 3                         | 4                                    |

(c) Attendants shall remain in their allocated zone and where there is more than one auditorium within the zone shall patrol throughout the zone and need not remain within a particular auditorium.

**NOTE:** For the purpose of this rule:

(i) “Floor” means a level on which the entrances to one or more auditoria, or a separate level of an auditorium, are situated.

(ii) “Zone” means part of a floor where the greatest distance of travel between an entrance to the two most distant auditoria does not exceed 100 metres.

(iii) “Staff alerting system” means a system by which staff who are available on duty or on call may be warned that a fire or other emergency has arisen on the premises

(iv) A member of staff is not “on call” if:

- (a) they are the licensee or the person nominated for the time being to be in charge of the premises.
- (b) their normal duties or responsibilities are likely materially to affect adversely or delay their response to an emergency situation
- (c) they are more than 75 metres from
  - (i) the position to which they are required to go on alerting signals being activated;
  - (ii) a doorway normally affording a means of egress for the public from a floor or zone.

## **APPENDIX D**

### **MEMBERSHIP RULES FOR CLUB CINEMAS**

The membership rules for club cinemas where restricted 18 films are to be shown should include the following:

- (a) The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.
- (b) Only members and their guests shall attend exhibitions of moving pictures classified in the restricted (18) classification.
- (c) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- (d) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.
- (e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.
- (f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.
- (g) Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.
- (h) On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made there under.

- (i) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- (j) Membership cards shall be personal to the member and shall not be transferable to any other person.
- (k) Neither membership tickets nor guest tickets shall be transferable.
- (l) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The licensed proprietors will reserve the right to refuse admission to any person.
- (m) Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.
- (n) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.